

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, February 5, 2007

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger,
P. Plante, B. Ryan

Member absent: G. Zimmer

Alternate present: B. Pociask (appointed to act)

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:10 p.m.

Minutes:

1/2/07 – Hall MOVED, Gardner seconded, to approve the Minutes as written. MOTION PASSED with all in favor except Kochenburger and Pociask who were disqualified.

Old Business:

1. Subdivision Application, Dunham Farm Estate, 3-lots on S. Eagleville/Dunham Pond Roads,
EJK Properties LLC., Applicant, File #1252

Commissioner Kochenburger noted for the record that he has listened to the tapes of the previous meeting. Members discussed the application and testimony in detail with much of the discussion focusing on the proposed open space and related access..

Goodwin MOVED, Holt seconded, to approve with conditions, the 3-lot Dunham Farms Estates subdivision, on property owned by Russell Johnston Jr. and Jack Stephens, and located on the southerly side of South Eagleville Road and the easterly side of Dunham Pond Road, in an RAR-90 zone (File #1252), as submitted to the Commission and shown on plans dated September 13, 2006, as revised to November 28, 2006. This approval is granted because the application as hereby approved, is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations. Approval is granted with the following modifications or conditions:

Final plans shall be signed and sealed by the responsible surveyor, engineer, and soil scientist.

Pursuant to Subdivision Regulation provisions, (particularly Sections 7.4a, 7.5 and 7.6) and Zoning Regulation provisions (particularly Article VIII, Section B.5 and B.6) this action specifically approves proposed lot areas and the depicted building area envelopes, including setback waivers for lots 1, 2 and 3. Unless the Commission specifically authorizes revisions, the depicted building envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be noted on the final plans replacing note 6 on sheet 2, and specifically Noticed on the Land Records.

Pursuant to the open space provisions of Section 13, this approval accepts, subject to the conservation easement below, the proposed open space areas as delineated on submitted maps. As proposed in an October 19, 2006 letter from C. Masters, representing the Dunham Pond Association, Inc., the 7.4 acre open space parcel to be deeded to the Dunham Pond Association, Inc., shall be protected by a conservation easement to be filed on the Mansfield Land Records by the subdivider. The Town's model easement format, with any revisions mutually agreed upon by the subdivider, the PZC Chairman with staff assistance and the Dunham Pond Association President or his designee, shall be utilized. The Town's model format also shall be used for the proposed conservation easement on lot 2. This action is taken with the understanding that there will be no public access on the land to be deeded to the Dunham Pond Association, Inc. This action is taken because there are presently multiple public access points and trails to open space areas surrounding Dunham Pond and to Dunham Forest. This is a fragile area which will better serve the public as an open vista.

To increase driveway sightlines along South Eagleville Road, to decrease roadside regrading along the lot 3 frontage, and to minimize the impact on vehicular and pedestrian safety along South Eagleville Road, the lot 3 driveway shall be shifted westerly a minimum of 140-150 feet to a location near a depicted 32 inch black oak tree. As deemed appropriate by the subdivider, the depicted lot 2 drive may be shifted easterly to create a common curb cut for lots 2 and 3. The precise location and design of this required driveway revision, including all necessary pull-offs and turnaround areas and other requirements of Section 7.11, shall be approved by the PZC Chairman with staff assistance and depicted on final plans.

This driveway revision will result in a significant increase in the easterly sightline for the lot 3 driveway. This revision is deemed necessary due to:

- A. The vertical geometry of South Eagleville Road which restricts easterly sightlines,
- B. The limited lane widths and lack of shoulder areas for pedestrian and bicyclists,
- C. Existing traffic volumes,
- D. The observation that motorists frequently exceed the posted speed limit for this downhill west bound segment of South Eagleville Road,
- E. The anticipation that traffic volumes will increase due to planned growth in the UConn Campus and Storrs Downtown area,

F. The decrease of roadside regrading proposed to achieve minimum State Department of Transportation requirements.

This required revision is authorized by and/or promotes compliance with the following Sections of Mansfield's Subdivision Regulations: 1, 4.2, 4.4, 4.7, 6.5d, 6.21, 7.1, 7.2 and 7.9.

If a common driveway is proposed for lots 2 and 3, a common driveway easement shall be submitted and approved by the PZC Chairman with staff assistance, as per the requirements of Section 7.10. Final plans shall also depict a revised easement for the lot 3 driveway (across lot 2).

No Zoning Permits shall be issued on either lot 2 or 3 until a permit to construct the subject lot driveway has been approved by the State Department of Transportation. This requirement shall be noted on the final plans and Noticed on the Land Records.

Prior to the start of any construction on lot 3, the depicted specimen tree to be saved shall be protected by a suitable barrier approved by the Mansfield Zoning Agent and installed prior to the issuance of a Zoning Permit. This requirement shall be noted on the final plans and Noticed on the Land Records.

The Planning and Zoning Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety or one hundred and eighty-day filing extension has been granted):

A. All final maps, including submittal in digital format, a right-of-way deed, an open space deed, conservation easements for lot 2 and the open space parcel using the Town's model format, a drainage easement, a driveway easement for lot 3 and a Notice on the Land Records to address conditions 2, 5, and 6 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

B. All monumentation (including delineation of open space and conservation easement area with iron pins and the Town's official markers every 50 to 100 feet on perimeter trees or cedar posts), with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED with Gardner, Ryan, Kochenburger, Holt, Goodwin and Plante in favor, Hall and Favretti against, and Pociask disqualified.

Curt Hirsch updated the Commission that two trailers have been removed from the Ed Hall site. Two other trailers remain, one of which will be left on site and will be registered. He noted that two \$150.00 fines have been issued to Mr. Hall thus far. Plante asked if the Commission can take these violations into consideration when Hall renews

his gravel permits. Padick responded that the trailers are not on the portion of the property under the Special Permit for the gravel removal.

Kochenburger inquired about the Holiday Mall sign and if it has been taken down. Hirsch indicated that is allowed as part of their 20 day grand opening. Hirsch was questioned about the status of the Paideia site. He stated that a stop work order has been issued by the Town of Mansfield Building Department, because Paideia deviated from the approved plans. Modified plans, indicating the changes, will be brought before the Commission for approval at a later date.

Other Old Business:

2. Special Permit Application, Proposed expansion of Gibbs Oil Company, gasoline service station/convenience store, 9 Stafford Road, File #404-3 (MAD 3/22/07)
Discussion among members took place, and several different opinions were expressed. Holt felt that the proposal is safer than what exists now. Plante noted that this proposal is not generating more traffic; it only brings more traffic in and out of the site, and he indicated that he is pleased with the entrance and exit design. Favretti stated that removing the parking space at the south end of the drive-thru, and shifting the lane more north, would alleviate the tanker-auto conflict. Goodwin asked Padick to briefly discuss the expansion of a non-conforming structure in a residential area. Holt agreed to work on an approval motion.

3. Proposed rezoning from R-20 to PB-1, 93 Conantville road, B. & K. McCarthy, o/a, File #1254

Kochenburger MOVED, Gardner seconded, to approve the application of B. and K. McCarthy (File #1254) to rezone 1.04 acres of land, owned by the applicants, from Residence 20 to Planned Business-1, as shown on a map dated 11/30/06, and located on the western side of Conantville Road between N. Frontage and Pollack Roads, and as heard at a Public Hearing on January 16, 2007.

This zone change shall become effective as of March 1, 2007, or upon Planning Office receipt of a legal boundary description. Approval is granted for the following reasons:

The subject re-zoning is consistent with mapping and text specified goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. The subject site is classified as "Planned Business/Mixed Use" in Mansfield's Plan. The proposed re-zoning also is considered consistent with mapping and text recommendations contained in the 2002 Windham Region Land use Plan and the 2005-2010 Conservation and Development Policies Plan for Connecticut.

The subject site is adjacent to existing commercial and multi-family housing uses and is within the service area of the Town of Windham's sewer and water systems. The site does not contain wetland or watercourse areas and can physically support commercial and mixed use development. Adjacent land to the south and east is already zoned Planned Business-1 and this re-zoning essentially extends the existing zone.

The proposed re-zoning is considered to be consistent with approval considerations contained in Articles I and XIII of Mansfield's Zoning Regulations and Section 8-2 of the State Statutes.

Pursuant to regulatory provisions, the applicant must file with the Planning Office a legal boundary description prior to the effective date of this zone change. MOTION PASSED with all in favor, and Pociask disqualified.

6. Earth Tech on Four Corner Area Sewer Sturdy

Padick summarized his memo and asked for comments from the Commission. Pociask recommended the inclusion of Birch Road in the study area to benefit any future projects on the property currently used for multi-family housing and serviced by community wells. Gardner MOVED, Holt seconded to have Padick draft a letter to Earth Tech that outlines the changes recommended in Padick's memo and the additions suggested by Pociask. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Special Permit Application, proposed efficiency unit at 920 Storrs Road, J.J. Luczak app., File #1255

Chairman Favretti opened the Public Hearing at 8:07 p.m, and appointed alternate Pociask to act due to member absence. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan and Alternate B. Pociask. Padick read the Legal Notice as it was printed in the Chronicle on 1/23/07 and 1/30/07, and noted a 2/1/07 memo from Eastern Highlands Health District and a 2/1/07 memo from the Director of Planning.

Meredith Andrews, representing the applicant, presented the Commission with the neighborhood notification return receipts for the file.

At this time Favretti opened the floor to comments from the public.

Judith Mordkoff, of 934 Storrs Road, expressed concern with the discrepancies in the plans and Statement of Use. She feels that the proposal is not in compliance with Article V. She also expressed concern with the size of the main residence and the impact that the height and size of the structure will have on the view that the neighbors currently have.

Susan Schur, of 940 Storrs Road, expressed concern that this proposal will negatively impact the neighborhood, the historic farmland and the view. She is also worried about the potential rental situation becoming a safety concern for neighbors.

Sue Esposito, of Home Selling Team, gave a brief account of the property. In response to concerns that the house might be sold in the near future, she stated that the owners plan to live there indefinitely, and the efficiency unit is for the owner's grandson who will be

attending college. She also said that UConn, which was the original owner, has the right of first refusal on the property for the next 25 years.

Pociask asked if the underground fuel tanks are going to be removed. Padick agreed to inquire more about that and report back.

Question was raised about keeping the existing septic system, and its capacity. Andrews stated that they will use the existing leaching field, but the septic tank will be relocated, and new pipes to it will be installed, as shown on the plan. The Eastern Highlands Health District confirmed that the septic capacity is acceptable for the proposal. Several Commissioners were concerned about the illegibility of the plans submitted, and requested that the applicant revise the plans to present legible, clear, drawings at the next meeting.

With no further questions at this time, Holt MOVED, Plante seconded to continue the Public Hearing to the next meeting. MOTION PASSED UNANIMOUSLY.

Old Business Continued:

4. PZC-proposed revisions to the Zoning Map and Zoning Regulations, File #907-29
Extensive discussion was held on the pros and cons heard at the Public Hearings and also on the opinions of Commission members. Holt MOVED, Plante seconded, that the PZC not proceed with the Draft Regulation Revisions, and instead send them back to Regulatory Review, and hold one or more workshops at night for the full Commission. MOTION PASSED UNANIMOUSLY.

5. Review of water supply requirements-DMR, ARH & PRD Zones
Padick summarized his report. Matthew Barach, a developer who wished to purchase land on Maple Road, discussed his proposal for an over 55 housing complex there, and the need for a community well in order to construct such a complex. Without a community well the project would remain a vacant lot. Wayne Bugden of CME Associates talked about the possibility of UConn supplying water to that area, but it is not definite and is not proposed anytime soon. After a brief discussion, Kochenburger MOVED, Hall seconded, that the Planning and Zoning Commission hereby determines that for the purpose of meeting zoning requirements for DMR, PRD or ARH multi-family housing developments, community wells, approved pursuant to State Health Code requirements, would be considered a "public water facility". This action is taken based on State Health Code requirements for potable water supplies, the existing statutory definition of public water supply and existing special permit approval criteria that authorize the PZC to require safe and suitable provisions for fire protection. MOTION PASSED UNANIMOUSLY.

New Business:

2. New Subdivision Application, Glenn Terrace, Section 5, property at the eastern end of Ellise Road, Girard College Development Fund, o/a, File #750-3

Goodwin MOVED, Holt seconded, to receive the subdivision application (file #750-3) submitted by Girard College Development Fund, for one new lot, Glen Terrace Section 5, on property located at the easterly end of Ellise Road, owned by the applicant, as shown on plans dated January 2, 2007, and as described in other application submissions, and to refer said application to the staff, Open Space Preservation Committee, and Conservation Commission for review and comments. MOTION PASSED UNANIMOUSLY.

Old Business Continued:

7. Bonding/Subdivision Issues
Item tabled.

8. 8-24 Referral Proposed acceptance of Jackson Lane-File #1231
Item tabled.

9. Potential Revisions to PZC/IWA Fee schedule
Item tabled.

10. Presentation by Paula Stahl from the Green Valley Institute on Open Space Subdivisions

Item tabled. Tentatively scheduled for March 19th.

New Business:

1. Request for extension of filing period, Gifford Estates Resubdivision, Spring Hill/Maple Rds, File #1250
Holt MOVED, Hall seconded, that the Planning and Zoning Commission, pursuant to Section 6.5 of the Subdivision Regulations, grant a second ninety-day extension for filing final subdivision plans for the Gifford Estates Resubdivision (File #1250). MOTION PASSED UNANIMOUSLY.

Holt MOVED, Gardner seconded, to add to the agenda under New Business the letter from Attorney Poitras dated January 31, 2007, about Freedom Green. MOTION PASSED UNANIMOUSLY.

3. Request for the release of Phase III and IVA escrow funds, Freedom Green
Members discussed the memo submitted by Padick, and unanimously agreed to put the Freedom Green request on the March 5th agenda.

Reports of Officers and Committees:

None

Communications and Bills:

The agenda items were noted.

Adjournment:

Favretti declared the meeting adjourned at 10:37p.m.

Respectfully submitted,

Katherine K. Holt, Secretary